IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3094 of 2004

Between:

1 M/s. Sakti Hard Wares, Srikakulam, Rep. by its Proprietor,
Sindiri Madan Mohan Rao, S/o. Chandra Sekhara Rao, Hindu, Occ: Business,
R/o. D. No. 7/14-2/2, Puppalavari Street, Srikakulam Town and District.
2 Sindiri Vishnukantham, W/o. Madana Mohana Rao, Hindu, House-hold duties,
R/o. D. No. 7/14-2/2, Puppalavari Street, Srikakulam Town and District.

..... PETITIONER(S)

AND

1 State Bank of Hyderabad, Represented by its Branch Manager, Srikakulam.
2 The Union of India, Rep. by its Secretary, Ministry of Finance,
(Banking Division) Jeevandeep Building, Sansadmarg, New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the provisions of Section 13(2) of the Securitisation and Reconstruction of Financial Assts and Enforcement of Security Interest Act 2002 as unconstitutional and violative of Art 14 of the Constitution of India and to consequently declare the notice issued by the 1st Respondent dt. 25.09.2003 as illegal and to direct the Respondents herein to act in accordance with the law and pass such other order or orders

For the Petitioner:MR.P.VEERA REDDY , Advocate

For the respondent No.1: MR A.Krishnam Raju, Advocate

For the Respondent No.2: MR A.RAJASHEKAR REDDY (SC FOR CG)

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1.. The Union of India, represented by its Secretary,

Ministry of Finance (Banking Division) Jeevandeep Building

Sansadmarg, New Delhi,

2. The Branch Manager, State Bank of Hyderabad, Srikakulam.

3. 2 CD copies.